



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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ATLANTA, GEORGIA 30303-8960

May 6, 2011

Chief, Rulemaking and Directives Branch
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: EPA Review and Comments
Final Supplemental Environmental Impact Statement (FSEIS) for the
Combined Licenses (COLs) for Vogtle Electric Generating Plant Units 3 and 4
Construction and Operation, Application for Combined Licenses (COLs), NUREG-1947
CEQ No. 20110088

Dear Sir:

The U.S. Environmental Protection Agency (EPA) reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the Combined Licenses (COLs) for Vogtle Electric Generating Plant Units 3 and 4, pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act. We appreciate your responses to our comments regarding the Draft Supplemental EIS (DSEIS), which were included in Appendix E of this FSEIS. The purpose of this letter is to inform you of the results of our review.

Southern Nuclear Operating Company, Inc. (Southern) and four co-applicants applied for combined construction permits and operating licenses (combined licenses or COLs) for Vogtle Electric Generating Plant (VEGP) Units 3 and 4. The proposed action is NRC issuance of a Limited Work Authorization (LWA) for specific site preparation activities and COLs for two new nuclear power reactor units (Units 3 and 4) at the VEGP site near Waynesboro, Georgia.

The NRC issued an Early Site Permit (ESP) on August 26, 2009, approving the VEGP site as suitable for the construction of Units 3 and 4. NRC issuance of a LWA enabled specific pre-construction activities at the site to begin. The NRC is currently reviewing the Westinghouse AP1000 pressurized reactor design in a design certification process. The USACE permit action on an Individual Permit application pursuant to Section 404 of the Clean Water Act, and Section 401 water quality certification for the Plant VEGP expansion were finalized in September 2010.

EPA previously reviewed and submitted written comments regarding the Draft and Final Environmental Impact Statements (EISs) for the Early Site Permit (ESP) for the new units, and for the Joint Public Notice for the U.S. Army Corps of Engineers (USACE) Permit. Since these documents stated that there were no transmission line impacts, our comments at that time pertained to the plant site only. We note that the FSEIS has been updated to clarify the definition of the transmission line Representative Delineated Corridor (RDC), and that construction of the new transmission line right-of-way would not require a LWA issuance, because the construction

of new transmission facilities is not defined as a construction activity under NRC regulations, and that transmission lines are considered in the context of cumulative impacts.

The FSEIS states that the proposed new 500-kV transmission line route is anticipated to be 46 m (150 ft) wide and 97 km (60 mi) long. According to the U.S. Fish and Wildlife Service's biological opinion, the new transmission line would impact over 1000 acres of land, with impacts to approximately 92 acres of forested wetlands. EPA is concerned about this level of impacts of transmission lines and supporting infrastructure for the project and, in accordance with NEPA and Section 404 of the Clean Water Act, we consider the transmission line to be an inseparable part of the project, and not having independent utility. Therefore, in our opinion the transmission line impacts should be addressed as part of the overall Section 404 permit process.

Radioactive waste storage and disposal are ongoing concerns with existing and proposed nuclear power plants. In addition, there are concerns regarding containment of radioactive materials and wastes in case of a natural disaster or other emergency. The NRC approved final revisions to the Waste Confidence findings and regulation (10 CFR Part 51.23) in September 2010. This update expresses confidence that commercial high-level radioactive waste and spent fuel generated by any reactor *"...can be stored safely and without significant environmental impacts for at least 30 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of that reactor."* This refers to storage in a spent fuel basin or at either onsite or offsite independent spent fuel storage installations.

Given the uncertainty regarding ultimate disposal at a repository, on-site storage of high level waste (HLW) may continue during operation and for many years following operating license termination. Therefore, there are concerns regarding on-site waste storage and emergency preparedness related to waste storage areas, particularly until an off-site repository under federal jurisdiction is available for ultimate disposition of radioactive wastes.

Based on EPA's review of the FSEIS, there are inherent environmental concerns regarding the storage, transportation and disposal of hazardous waste and radioactive wastes, and the FSEIS notes the need for continuing radioactive and hazardous materials and waste management, environmental monitoring to prevent ecological impacts, emergency preparedness, and radiological monitoring to ensure safety for workers and the public.

In addition, continuing measures to limit bioentrainment and other impacts to aquatic species from surface water withdrawals and discharges are required, in compliance with the NPDES Permit. Also, further data collection may be necessary in the future regarding greenhouse gases (GHGs).

The FSEIS concludes that Environmental Justice (EJ) impacts from the proposed project will be small. However, EPA has been contacted by local EJ advocates and concerned citizens, who have expressed health concerns regarding potential emissions from the power plant. Therefore, we recommend that you continue coordination with the local community and address any potential health and EJ concerns that may arise as the site preparation activities and the licensing process for the two new nuclear power reactor units progresses.

Thank you for your continuing coordination with us. Please send us a copy of the Record of Decision (ROD) when it becomes available. If you have any questions or need additional information, please contact Ramona McConney of my staff at (404) 562-9615.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heinz Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management